



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AGUSTIN ACEVEDO,
Plaintiff,
-against-
THOMAS BURKE, et al.,
Defendants.

21-CV-11053 (GHW) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons discussed at today's telephonic conference, it is hereby ORDERED as follows:

1. Stonehouse. All defendants have appeared in this action except for "Stonehouse NYC LP Strafford Ventures Inc GN PTNR" (Stonehouse). Counsel for the appearing defendants represent that they do not know what Stonehouse is and that it does not own or operate any of the restaurants described in the Complaint. No later than **March 10, 2022**, counsel shall meet and confer regarding the status of Stonehouse as a defendant. No later than **March 11, 2022**, the parties shall submit a joint letter informing the Court as to the result of their discussions, including whether plaintiffs intend to drop Stonehouse as a defendant. If not, plaintiffs shall advise the Court as to the basis for their belief that Stonehouse (a) exists and (b) is properly named as a defendant herein, and shall promptly file their proof of service as to Stonehouse.
2. Joinder and Amendment. Plaintiffs may amend their Complaint on or before **March 11, 2022**. Thereafter, amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties filed after the deadline in this paragraph will be subject to the

"good cause" standard in Fed. R. Civ. P. 16(b)(4).

3. Briefing Schedule for Defendants' Motions. The appearing defendants intend to file a motion to compel arbitration and for sanctions. (Dkt. No. 12.) During today's conference their counsel clarified that they intend to seek an award of their attorneys' fees pursuant to the Court's inherent authority, *see Amaprop Ltd. v. Indiabulls Fin. Servs. Ltd.*, 2011 WL 1002439 (S.D.N.Y. Mar. 16, 2011), *aff'd*, 483 F. App'x 634 (2d Cir. 2012) and/or pursuant to Fed. R. Civ. P. 11. Defendants shall file their motion(s) no later than **April 15, 2022**. Plaintiffs shall file their opposition papers no later than **May 6, 2022**. Defendants shall file their (optional) reply papers no later than **May 13, 2022**. Requests for oral argument may be made by letter accompanying the moving or opposition briefs.
4. Mediation Withdrawal. In light of the upcoming and potentially dispositive motion practice, this case is hereby WITHDRAWN from the mediation program.

Dated: New York, New York
March 3, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge